

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #12	CCRB Case #: 201810480	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/19/2017 8:55 PM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 3/19/2019	EO SOL 3/19/2019	
Date/Time CV Reported Tue, 12/11/2018 4:08 PM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 12/18/2018 11:08 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. DT3 Richard Dinkle	07431	934780	DBSI OP

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Dana Galante	00535	941787	DB CEIS
2. DT3 Justin Solomon	1750	946280	121 DET

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, an officer pointed his gun at § 87(2)(b) [REDACTED]	[REDACTED]
B. DT3 Richard Dinkle	Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, Detective Richard Dinkle used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C. DT3 Richard Dinkle	Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, Detective Richard Dinkle restricted § 87(2)(b) [REDACTED]'s breathing.	[REDACTED]
D. An officer	Abuse: On September 20, 2017, at § 87(2)(b) [REDACTED], an officer took photographs of § 87(2)(b) [REDACTED]	[REDACTED]
E. Officers	Abuse: On September 20, 2017, officers entered § 87(2)(b) [REDACTED] in Staten Island.	[REDACTED]
F. Officers	Abuse: On September 20, 2017, officers searched § 87(2)(b) [REDACTED] in Staten Island.	[REDACTED]

Case Summary

On December 11, 2018, § 87(2)(b) filed this complaint in person at IAB, which was subsequently received by the CCRB on December 18, 2018, on behalf of herself and her two adult sons, § 87(2)(b) and § 87(2)(b). This case was subsequently closed pending the resolution of § 87(2)(b) criminal case stemming from his arrest in this incident (**Board Review 01**) and reopened on January 7, 2020, after § 87(2)(b) criminal case had concluded.

On September 19, 2017, at approximately 8:55 p.m., after § 87(2)(b) and § 87(2)(b) stopped in § 87(2)(b) vehicle at a gas station located at § 87(2)(b) in Staten Island, an unidentified officer approached and pointed his gun towards § 87(2)(b) (**Allegation A -Force: Gun pointed, § 87(2)(g)**). As this occurred, Det. Richard Dinkle, then of a Detective Bureau Special Victims' Unit assistance unit, grabbed hold of § 87(2)(b) neck and pushed him (**Allegation B -Force: Physical force, § 87(2)(g)**), restricting his breathing in the process (**Allegation C -Force: Restricted breathing, § 87(2)(g)**).

§ 87(2)(b) was arrested and transported to the 121st Precinct stationhouse, where he was charged with § 87(2)(b). After his arrest was processed, he was transported to § 87(2)(b) in Staten Island. At the hospital, an officer took photographs of § 87(2)(b) nude body (**Allegation D -Abuse of Authority: Photography, § 87(2)(g)**).

On September 20, 2017, unidentified officers entered and searched § 87(2)(b) home, located at § 87(2)(b) in Staten Island (**Allegation E -Abuse of Authority: Entry of premises, § 87(2)(g)**) (**Allegation F -Abuse of Authority: Search of premises, § 87(2)(g)**).

No video footage was recovered in this case, and Det. Dinkle was not equipped with a Body-Worn Camera at the time of this incident.

Findings and Recommendations

Allegation (A) Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, an officer pointed his gun at § 87(2)(b)

Allegation (B) Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, Detective Richard Dinkle used physical force against § 87(2)(b)

Allegation (C) Force: On September 19, 2017, in front of § 87(2)(b) in Staten Island, Detective Richard Dinkle restricted § 87(2)(b)'s breathing.

It is undisputed that 8:55 p.m. on September 19, 2017, Det. Dinkle stopped near § 87(2)(b) in Staten Island and approached § 87(2)(b) who had exited a vehicle also occupied by § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) stated to the CCRB (**Board Review 02**) that he exited § 87(2)(b) vehicle at the gas station at § 87(2)(b) began putting gas into it, and an approximately 5'5" tall, unidentified officer with a heavy build and wearing business attire approached and pointed a gun towards him. Det. Dinkle, who § 87(2)(b) described as an approximately 6'4" to 6'5" tall white male with a heavy build and wearing a T-shirt, approached him, grabbed him with one hand on the back of his neck, applied pressure to it, and "walked" § 87(2)(b) to the front hood of § 87(2)(b) vehicle. Det. Dinkle had his hand on the back of § 87(2)(b) neck for approximately thirty seconds, which restricted his ability to breathe.

§ 87(2)(b) stated to the CCRB (**Board Review 03**) that at § 87(2)(b) he saw that Det. Dinkle approached and interacted with § 87(2)(b) had his gun drawn, and instructed him to not move. After this, § 87(2)(b) was transported to the 121st Precinct stationhouse and did not see further interaction between Det. Dinkle and § 87(2)(b).

§ 87(2)(b) refused to provide a statement to the CCRB regarding this incident.

Det. Dinkle stated to the CCRB (**Board Review 04**) that while working on the incident date in an assignment assisting the Detective Bureau Special Victim's Unit (SVU), he had photographs and video footage of an individual and vehicle suspected in an investigation of a crime Det. Galante was conducting. When he saw a vehicle whose appearance was consistent with that he saw in video footage stop at § 87(2)(b) Det. Dinkle stopped near it and requested that additional officers respond. Multiple marked and unmarked NYPD vehicles arrived at the location, and Det. Dinkle did not recall whether he was familiar with any of the officers in these vehicles.

Det. Dinkle exited his vehicle and approached who he later learned to be § 87(2)(b) Det. Dinkle instructed § 87(2)(b) to not move, and § 87(2)(b) complied. Det. Dinkle instructed § 87(2)(b) to put his hands behind his back; § 87(2)(b) complied, asked what was happening, and behaved as "a gentleman." Det. Dinkle did not push § 87(2)(b) or take hold of his neck at any point. § 87(2)(b) did not complain of or indicate being unable to breathe; § 87(2)(b) talking indicated to Det. Dinkle that he was able to do so.

Det. Galante stated to the CCRB (**Board Review 05**) that she was familiar with the fact Det. Dinkle had interacted with members of the § 87(2)(b) family, that § 87(2)(b) arrest had resulted in these family members being transported to the 121st Precinct stationhouse, that she also went to the stationhouse, and that she was never at § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: On September 20, 2017, at § 87(2)(b)

§ 87(2)(b), an officer took photographs of § 87(2)(b)

§ 87(2)(b) stated that after his arrest was processed, he was transported to § 87(2)(b) where he was instructed to remove his clothing. An officer took photographs of § 87(2)(b) nude body.

Det. Galante stated that she thought a warrant was obtained for the purpose of photographing § 87(2)(b) penis to collect evidence related to the crime with which he had been charged. Det. Galante did not know what officer or officers were involved in either obtaining or executing this warrant.

Det. Dinkle stated that he had no further interaction with § 87(2)(b) after leaving § 87(2)(b) and was unfamiliar with any officer interactions with him in a hospital or any warrants related to such an interaction.

§ 87(2)(b), Justice § 87(2)(b) of the Supreme Court of the State of New York, in the County of Richmond, signed a search warrant directing a search of § 87(2)(b). The warrant specifically directs that the search include photographs of all body parts, including genitals (**Board Review 15**).

§ 87(2)(g)

Allegation (E) Abuse of Authority: On September 20, 2017, officers entered § 87(2)(b) in Staten Island.

Allegation (F) Abuse of Authority: On September 20, 2017, officers searched § 87(2)(b) in Staten Island.

§ 87(2)(b) stated that after § 87(2)(b) was arrested, Det. Galante informed him that his home, § 87(2)(b) in Staten Island, would be searched. § 87(2)(b) did not state the time at which this search occurred, and § 87(2)(b) refused to provide a statement to the CCRB.

Det. Galante did not conduct this entry or search but corroborated that it occurred, stating that a warrant related to it had been obtained.

Justice § 87(2)(b) of the Supreme Court of the State of New York, in the County of Richmond, signed a search warrant at § 87(2)(b), authorizing and directing a search, without giving prior notice of authority or purpose, for a variety of property within § 87(2)(b) in Staten Island (**Board Review 06**).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 07**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 08**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 09**).
- Det. Dinkle has been a member-of-service for sixteen years and has been a subject in three CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming emotional distress, humiliation, and embarrassment and seeking five hundred million dollars as redress. (**Board Review 10**).

- § 87(2)(b) filed a Notice of Claim with the City of New York claiming emotional distress, humiliation, racial profiling, and embarrassment and seeking five hundred thousand dollars as redress (**Board Review 10**).

- § 87(2)(b)

- § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b)

Squad No.: 12

Investigator: Chris Anderson SI Chris Anderson 02/22/2020
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson February 22, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date